

## 'Don't Ask, Don't Tell' Selectmen Advise Business

### Board says no wine at Entrée Vous

By SUSANNA SHEEHAN

This week, the owner of Entrée Vous, a new assemble-it-yourself meal store in Hall's Corner, learned she cannot legally allow customers to bring their own alcohol to private parties.

Entrée Vous owner Susan Turley asked the selectmen's office the procedure she needed to follow to permit her customers to bring in a bottle of wine to drink with friends while they assembled prepared dinners-to-go.

At Entrée Vous in the Duxbury Marketplace on Depot Street, customers use prepared ingredients to put together dinners that are then taken home and cooked or frozen. The meals feed four to six people and cost \$23 to \$25, or approximately \$4 per serving, said Turley. Often, people will have private parties or fundraisers at these types of stores, with a percentage of the profits being returned to a local organization or charity, Turley said. Allowing customers to sip wine while they assemble a week's worth of dinners is part of the fun.

"It is very common in the meal assembly industry to serve wine," said Turley.

Unfortunately for Turley, her willingness to do the right thing led to the Board of Selectmen informing her that it is illegal for her to offer free alcohol or allow BYOB.

Under state law, offering alcohol "whether money passes hands or not constitutes a sale," said Barbara Ripley, executive assistant to the town manager. Selling alcohol without a permit is illegal.

After looking into the issue, Town Counsel Robert Troy said that the state law is clear in not allowing BYOB

in places open to the public even though it is done often at restaurants without liquor licenses.

Selectman Jon Witten, an attorney, agreed: "I don't know how to interpret it any other way," he said.

Turley cannot apply for a one-day liquor license, usually done for events, because it requires a \$1 million liability insurance, TIPS certified bartenders and the stipulation that the alcohol come from a wholesaler, not a retailer.

"This is a shame," said Turley. "It's a community event. I'm not going to let them get drunk. It's a fun, popular, good idea."

Selectmen Chairman Andre Martecchini said Turley's only mistake was appearing before the board.

"One of the problems is that you asked," Martecchini said.

Establishments that allow BYOB without asking permission slip under the state and local radar regarding alcohol laws in sort of a "don't ask, don't tell" policy.

"You asked for a legal opinion and that's what you got," said Selectman Betsy Sullivan. "It would be foolhardy on our part to ignore town counsel's opinion" and allow BYOB.

If an accident happened after someone had a glass of wine at Entrée Vous, the town could be held accountable because it knew about the BYOB, she said.

Selectmen said Turley could apply for an on-premise beer and wine liquor license, but Turley said she was not interested in selling alcohol.

In other business, selectmen:

- Listened to an update on a personnel plan and compen-



Susan Turley

sation study being conducted by a consultant. The consultant, Don Jacobs, explained the process he was following to gather information about the town's jobs in order to create a job description and a fair compensation scale for each one. He said he has surveyed all town employees and department heads about their responsibilities and is in the process of writing draft job descriptions. Jacobs expects to be finished with the personnel plan by mid-December. Voters will consider the new plan in an article at the March Town Meeting.

- Announced that Town Counsel Robert Troy will be available to help residents and town committee members craft Town Meeting warrant articles on Nov. 7 in the afternoon. Call Barbara Ripley in the selectmen's office at 781 934-1100 x141 for an appointment.

- Announced there will be a public hearing on the proposed pay-as-you-throw trash service on Monday, November 5 at 7:55 p.m. in the Mural room in the lower level of Town Hall.

- Declared a bonus shellfish season for the recreational and commercial harvesting of soft-shell clams and the commercial digging of quahogs for November.